

## **REMARKS**

Applicant respectfully traverses and requests reconsideration.

Claims 1, 11 and 15 stand rejected under 35 U.S.C. §112, 2nd paragraph as allegedly being indefinite for failing to particular point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has corrected the typographical error. Accordingly, Applicant respectfully request withdrawal of this rejection.

Claims 1-8, 10-13, 15-18 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rudder et al., in view of Finke-Anlauff (hereinafter “Finke”) and Miyazawa et al. The office action admits that neither Rudder nor Finke teach, among other things, detecting an ambient condition level associated with the multimodal communication apparatus and comparing the ambient condition level to the ambient condition threshold data and selecting a multimodal input and output setting for the multimodal communication apparatus based on the comparison. Applicant respectfully notes that the Rudder reference is not directed to any ambient condition detection technique nor does it contemplate such operation nor does the Finke reference as admitted in the office action. It appears that Applicant’s own claims are being used to combine references that do not contemplate operations of Applicant’s claimed invention.

Also, as admitted in the office action, even the Miyazawa reference does not teach selecting a multimodal input and output setting for the multimodal communication apparatus based on any comparison of an ambient condition level of a multimodal communication apparatus. The cited portion of Miyazawa describes detecting a received input speech signal that is detected with respect to a noise level threshold. The office action alleges that Miyazawa teaches “selection of settings for the apparatus [is] based on the comparison of the ambient threshold data and the detected ambient condition level”. The “settings” that are selected in the cited portion of Miyazawa appear to be merely an ambient noise threshold setting. There is no

teaching of any input or output setting, let alone multimodal input or multimodal output setting as required by the claim. As such, even combining the teachings of Miyazawa with those of the cited references would merely result in a system that changed an ambient noise threshold as taught by Miyazawa and not the selecting of a multimodal input or output setting for any multimodal communication apparatus based on the comparison as required by the claim. Accordingly, the claims are believed to be in condition for allowance.

The dependent claims add additional novel and non-obvious subject matter. Also, in the “Response to Arguments” section of the office action, it is alleged that Applicant’s arguments were focused only on Miyazawa and that one cannot show obviousness by attacking references individually where the rejections are based on combinations of references. Applicant respectfully submits that the identified remarks were specifically addressed to the specific application of in the office action of the Miyazawa reference and pointed out that the alleged teachings of Miyazawa cited in the office action were not present in Miyazawa and for this reason alone, the claims were in condition for allowance. If a reference is cited and does not teach the subject matter alleged, the claim cannot be rendered unpatentable.

Specifically, the office action cited column 5, lines 8-49 and column 12, line 62 to column 13, line 23 of Miyazawa as specifically teaching:

detecting an ambient condition level associated with the multimodal communication apparatus, comparing the ambient condition level to the ambient condition threshold data; and selecting a multimodal input and output setting for the multimodal communication apparatus based on the comparison (see page 11, paragraph 26 of rejection).

As such, the only reference cited for the subject matter of the claim not taught by the other references was the Miyazawa reference and as such Applicant addressed this point and noted how Miyazawa does not teach, among other things, selecting a multimodal input and output setting of a multimodal communication apparatus based on a comparison of an ambient

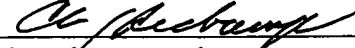
level associated with the multimodal communication apparatus. Applicant respectfully reasserts the relevant remarks made in the previous action and as such, the claims are in condition for allowance.

Applicant also respectfully submits that it appears that Applicant's claims were used as a type of road map to selectively pick and choose teachings from different references in an attempt to render Applicant's claim unpatentable. For example, Rudder is directed to a distributed computing services platform for facilitating improved communications in collaboration across computer networks (see page 2, paragraph 1). Finke is directed to a mobile telephone having groups of user addressable operating characteristics for facilitating adjustment of several operating characteristics. Miyazawa is directed to a voice activated interactive speech recognition device and method and not a multimodal device. The adjustable characteristics of Finke include sound volume, ring tones, key tones, warning tones, lights and call transfer or a combination of these characteristics. The office action cites column 3, line 57 to column 4, line 12 and column 5, lines 3-67 as allegedly teaching an identifier associated with both input and output preference information. However, the claim requires multimodal preference information associated with at least one input modality and at least one output modality and either an identifier associated with the multimodal preference information which is the input modality and output modality preference information or the multimodal preference information itself. Finke does not include the use of a profile that includes an identifier associated with a multimodal preference information wherein the preference information is associated with an input modality and at least one output modality. In fact, it does not appear that the device in Finke is capable of operating in different input and output modalities. As such, Applicant respectfully submits that the Finke reference does not teach what is alleged in the office action.

Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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